

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

ROBERT A. BRESEE,

Defendant.

Case No. 3:19-mj-816(ATB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of in the year of 2018 in the county of Chenango in the Northern District of New York the defendant violated:


Code Section
18 U.S.C. § 2252A(a)(5)(B)

Offense Description
Knowingly Possessing Child Pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

ATTESTED TO BY THE APPLICANT IN
ACCORDANCE WITH THE REQUIREMENTS OF
RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL
PROCEDURE AND 18 U.S.C. §§ 2703.


Complainant's signature
Jenelle Corrine Bringuel, Special Agent FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/15/2019


Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jenelle Bringuel, having been first duly sworn, do hereby depose and state as follows:

1. I have been employed as a Special Agent of the FBI since June 2012 and am currently assigned to the Albany Division, Binghamton Resident Agency. I am specifically assigned to the Mid-State Child Exploitation Task Force (MSCETF), which targets individuals involved in the on-line sexual exploitation of children. As part of my duties, I investigate crimes involving the sexual exploitation of minors, including sex trafficking of minors and various criminal offenses related to the production, distribution, receipt, and possession of child pornography. I received training on the proper investigative techniques for these violations, including the use of surveillance techniques, undercover activities, and the application and execution of arrest and search warrants. I have conducted and assisted in several child exploitation investigations, and have executed search warrants that have led to seizures of child pornography and undercover operations to identify and locate individuals who seek to engage in sexual activity with minors.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors.

3. I make this affidavit in support of a criminal complaint and arrest warrant charging ROBERT A. BRESEE with knowingly possessing child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and on my experience and training as a Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that ROBERT A. BRESEE has violated Title 18, United States Code, Sections 2252A(a)(5)(B).

Details of the Investigation

5. On September 19, 2018, Detective Sergeant Reuben Roach (Det. Serg. Roach) of the Norwich Police Department (NPD) advised your Affiant that he was contacted by New York State Parole Officer Bryan Hotaling who told him that they had received information from a private citizen that a Level 3 Registered Sex Offender (and NY state parolee), ROBERT A. BRESEE (hereafter, BRESEE), had several unregistered Facebook accounts under assumed names. Parole Officer Hotaling and Det. Serg. Roach went to BRESEE'S apartment to conduct a home visit but BRESEE was not there. BRESEE'S roommate told Officer Hotaling and Det. Serg. Roach that BRESEE has a second cell phone but that she hadn't seen it in a while. BRESEE was contacted via cell phone and asked if he would volunteer to come to the Norwich Police Dept. to be interviewed, to which he agreed. In the Norwich Police Dept. interview room, Det. Serg. Roach provided BRESEE with his Miranda Warnings, which BRESEE waived. This exchange was audio

and video recorded. During the course of the interview BRESEE admitted to creating and utilizing three Facebook accounts under fictitious names and utilizing a second cellular telephone to create the unregistered Facebook accounts in order to stay in touch with his friends. Det. Serg. Roach arrested BRESEE for Failure to Register (Internet identifiers), in violation of NY State Correction Law COR 0168-F and NY State Parole also issued a warrant of retake for BRESEE, which means BRESEE'S parole was revoked based upon violation of his parole conditions.

6. On September 21, 2018 BRESEE'S roommate contacted NY State Parole Officer Lauri Losowski and stated that she had found BRESEE'S second cellular telephone, a Verizon 4G LTE Samsung Galaxy J1, at their apartment hidden in his laundry bag and that it contained disturbing photographs of naked children. Officer Losowski advised her to bring the cell phone to the Norwich Police Dept. to file a report. On this same date, BRESEE'S roommate reported to the Norwich Police Dept. and spoke to Det. Serg. Roach. In this interview, BRESEE'S roommate stated that the previous night, she had been trying to find BRESEE's cellular telephone because she was aware he had been secretly video-taping her and she wanted to delete the videos off of his phone before he got home. BRESEE'S roommate stated that she found the phone in BRESEE'S net-laundry-bag. BRESEE'S roommate stated that she then removed the phone and started to go through the pictures and videos on the cell phone. The first picture she saw was BRESEE'S penis and there were several more pictures of that. As she kept going through the pictures, she started to see pictures of naked little girls who looked like they were between the ages of five (5) to eleven (11) posed in various sexual positions. According to BRESEE'S roommate, these poses included little girls "spread eagle showing their vaginas" and "laying on a bed with their legs behind their head showing their vaginas". BRESEE'S roommate stated that there were approximately 20 such pictures on the cellular telephone. She also advised that on that cellular telephone she also saw an

image of her in her nightgown that had been taken surreptitiously by BRESEE. BRESEE'S roommate stated that after viewing the images she was "freaked out" and put the phone down. When she woke up the following morning, she called Officer Losowski and told her what she had seen on BRESEE'S phone. BRESEE'S roommate turned the cell phone over to Det. Serg. Roach, who did not access the phone but secured it into his evidence locker. BRESEE'S roommate advised Det. Serg. Roach that she had removed the lock on the phone prior to coming to the Norwich Police Dept.

7. On October 5, 2018, your Affiant applied for and obtained a federal search warrant in the Northern District of New York authorizing a search of BRESEE'S Verizon 4G LTE Samsung Galaxy J1. On October 15, 2018, your Affiant executed the search warrant on BRESEE'S cellular telephone and conducted extractions of BRESEE'S cellular telephone. Your Affiant observed several email accounts associated with the cellular telephone which are believed to belong to Bresee, as parts of the email moniker include Bresee's name (r.bresee13815@gmail.com and ezbresee53@gmail.com.) Your Affiant identified 21 images depicting child pornography located on BRESEE'S cellular telephone, two of which are described as follows and are available for the Court's review upon request:

- 3.jpeg: This image depicts a nude pre-pubescent female, approximately 8 years old, laying on a white sheet with her arms above her head.
- 9.jpeg: This image depicts a nude pre-pubescent female, approximately 7 years old, laying on her side with her legs spread open. The female is hugging a pink balloon and has white flowers in her hair which is in pigtails.

8. Your Affiant also observed that many of the image files on BRESEE'S cell phone are or were physically located within Google Photos associated with Google account r.bresee13815@gmail.com. Google Photos is a photo sharing and storage service developed by Google. Google Photos acts as a backup when photos are sent or shared between social media or other platforms or apps. A preservation letter was served to Google, Inc. for this account on December 7, 2018.

9. On May 2, 2019, your Affiant obtained a federal search warrant for the Google account r.bresee13815@gmail.com. Your Affiant located 70 image files and 22 GIF files depicting child pornography, three of which are described as follows and are available for the court's review upon request:

- 23_2.jpg: This image depicts a nude pre-pubescent female, approximately 2 years old laying on a bed with her legs spread open. There is a white substance that appears to be male ejaculate spread on her vagina.
- 4_2.jpeg: This image depicts a nude pre-pubescent female, approximately 7 years old, laying on a purple, blue, and pink comforter and a pink pillow with flowers. She is being vaginally penetrated by an adult male penis.
- 51c248435_2.jpg: This image depicts a female, approximately 12 years old, holding an adult male penis in her hand while licking the top of the penis with her tongue.

10. BRESEE is a registered sex offender in the state of New York having previously been convicted of Rape 1st: Intercourse with a person less than 11 years old, New York State Penal Law 130.35, a Class B Felony. Based upon this felony conviction, BRESEE is also facing enhanced and increased penalties in this case pursuant to 18 USC 2252A(b)(2). This previous state conviction qualifies as a prior conviction under the laws of a state relating to aggravated

sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward. See 18 USC 2252A(b)(2).

Conclusion

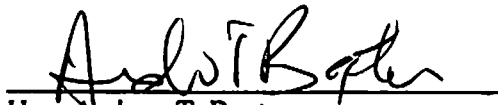
11. Based upon the above information, there is probable cause to establish that ROBERT A. BRESEE has violated Title 18, United States Code, Section 2252A(a)(5)(B), which prohibits knowingly possessing child pornography using a means and facility of interstate and foreign commerce, and your Affiant requests that a criminal complaint be issued pursuant to this violation of federal law.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE AND 18 U.S.C. §§ 2703.



Jenelle Corrine Bringuel
Special Agent
Federal Bureau of Investigation

Sworn to me this 15
day of August 2019.



Hon. Andrew T. Baxter
United States Magistrate Judge